**Amendment No. 1 to SB0186**

**Kelsey**
**Signature of Sponsor**

**AMEND Senate Bill No. 186* House Bill No. 180**

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, any shopping center, trailer park, apartment house complex or any other location which is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of himself which he would otherwise possess;

(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08 %) or more; or,

(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) and the vehicle is a commercial motor vehicle as defined at TCA § 55-50-102.

SECTION 2. Tennessee Code Annotated, Section 55-10-402, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1)

**Amendment No. 1 to SB0186**

**Kelsey**
**Signature of Sponsor**

**AMEND Senate Bill No. 186* House Bill No. 180**

(A) Any person violating § 55-10-401, shall, upon conviction for the first offense, be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days, and as a condition of probation, shall remove litter during the daylight hours from public roadways or publicly owned property for a period of twenty-four hours in three (3) shifts of eight (8) consecutive hours each.

(B) Any person violating § 55-10-401, shall, upon conviction for first offense with a blood alcohol concentration of twenty hundredths of one percent (0.20%), shall serve a minimum of seven (7) consecutive days rather than forty eight (48) hours, and as a condition of probation, shall remove litter during the daylight hours from public roadways or publicly owned property for a period of twenty-four hours in three (3) shifts of eight (8) consecutive hours each.

(2) Any person violating § 55-10-401, shall, upon conviction for second offense, be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days. Upon the conviction of a person on the second offense only, a judge may sentence the person to participate in a court approved alcohol or drug treatment program.

(3) Any person violating § 55-10-401, shall, upon conviction for third offense, be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days.

(4) Any person violating § 55-10-401, upon conviction for fourth or subsequent offense shall be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony.

(b)

(1) If a person is convicted of a violation of § 55-10-401, and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days. The incarceration enhancement shall be served in addition to any period of incarceration received for the violation of § 55-10-401.

(2) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 55-10-401, the person commits a Class D felony and shall be punished as provided in § 39-13-106, for vehicular assault.

(3) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 55-10-401, the person commits a Class B felony and shall be punished as provided in § 39-13-213(b)(2), for vehicular homicide involving intoxication.

(c) Subdivisions (b) 1-3 constitute an enhanced sentence, not a new offense.

(d) After service of at least the minimum sentence day for day, the judge has the discretion to require an individual convicted of a violation of the provisions of § 55-10-401 to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations for any prescribed period or to work in a recycling center or other appropriate location for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided in this section; provided, that any person sentenced to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations or to work in a recycling center shall be allowed to do so at a time other than the person's regular hours of employment.

(e) All persons sentenced under this part shall, in addition to service of at least the minimum sentence, be required to serve the difference between the time actually served and the maximum sentence on probation.

(f)

(1) An offender sentenced to a period of incarceration for a violation of § 55-10-401, shall be required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. If, in the opinion of the sheriff or chief administrative officer of a local jail or workhouse, space will not be available to allow an offender convicted of a violation of § 55-10-401, to commence service of the sentence within ninety (90) days of conviction, the sheriff or administrative officer shall use alternative facilities for the incarceration of the offender. The appropriate county or municipal legislative body shall approve the alternative facilities to be used in the county or municipality.

(2) As used in this subsection (f), "alternative facilities" include, but are not limited to, vacant schools or office buildings or any other building or structure

owned, controlled or used by the appropriate governmental entity that would be suitable for housing these offenders for short periods of time on an as-needed basis. A governmental entity may contract with another governmental entity or private corporation or person for the use of alternative facilities when needed and governmental entities may, by agreement, share use of alternative facilities.

(3) Nothing in this subsection (f) shall be construed to give an offender a right to serve a sentence for a violation of § 55-10-401, in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve the sentence within a certain period of time or in a certain facility or type of facility shall have no effect upon the validity of the sentence.

(g) Notwithstanding the provisions of this section to the contrary, in counties with a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, the judge exercising criminal jurisdiction may sentence a person convicted of violating the provisions of § 55-10-401 for the first time to perform two hundred (200) hours of public service work in a supervised public service program in lieu of the minimum period of confinement required by the provisions of subsection (a).

(h)

(1) If the court orders participation in an inpatient alcohol and drug treatment program pursuant to subdivision (a)(2), the treatment program shall not exceed a period of twenty-eight (28) days. During this period of confinement in inpatient treatment, the person ordered to participate shall be confined to the inpatient treatment center and shall not, without further court order, be released for any reason until the completion of the treatment. In the event the person does not complete the confinement in the treatment program, that person shall be

returned to the county jail or workhouse to serve the full period of the confinement imposed without any credit allowed for time spent in the program. Upon completion of the confinement in the program, the remainder of the confinement imposed shall be served in the county jail or workhouse.

(2)

(A) The court is not empowered to order the expenditure of public funds to provide treatment. However, if a person ordered to participate in such a program is indigent, the court may allow the person, subject to availability of services, to enter any program that provides the treatment without cost to an individual. When making a finding as to the indigency of an accused, the court shall take into consideration:

(i) The nature of the services of the program rendered;

(ii) The usual and customary charges for rendering such program in the community;

(iii) The income of the accused regardless of source;

(iv) The poverty level guidelines compiled and published by the United States department of labor;

(v) The ownership or equity of any real or personal property of the accused; and

(vi) Any other circumstances presented to the court that are relevant to the issue of indigency.

(B) If a person ordered to participate is not indigent and participates in a program that provides treatment without cost to an individual, that person shall be obligated to pay for treatment in the same manner as provided in § 33-2-1202.

If a person ordered to participate, participates in a court approved private treatment program, that person shall be responsible for the cost and fees involved with the program.

SECTION 3. Tennessee Code Annotated, Section 55-10-403, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person convicted for a violation of § 55-10-401, shall be fined as follows:

(1) For a first offense, the person shall be fined not less than three hundred fifty dollars ($350) nor more than one thousand five hundred dollars ($1,500);

(2) For a second offense, the person shall be fined not less than six hundred dollars ($600) nor more than three thousand five hundred dollars ($3,500);

(3) For a third offense, the person shall be fined not less than one thousand one hundred dollars ($1,100) nor more than ten thousand dollars ($10,000);

(4) For a fourth or subsequent offense, the person shall be fined not less than three thousand dollars ($3,000) nor more than fifteen thousand dollars ($15,000).

(5) For any offense while accompanied by a child under eighteen (18) years of age, the person shall be fined one thousand ($1,000) dollars in addition to the fine for the DUI offense.

(b) Unless the judge, using the applicable criteria set out in § 40-14-202(b), determines that a person convicted of violating § 55-10-401 is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension. All fines are to be paid on the date sentence is imposed unless the court makes an affirmative finding that the defendant lacks a present ability to pay. The court shall then

order a date certain before which payment shall be made. Should the defendant fail to comply with the order of the court, the clerk shall notify the court of the failure for further proceedings.

(c) The minimum and maximum fines for driving under the influence of an intoxicant shall continue to be collected and distributed as they were prior to the effective date of this law.

(d) The payment of restitution to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution, shall be imposed as a condition of probation under § 55-10-410.

SECTION 4. Tennessee Code Annotated, Section 55-10-404, is amended by deleting the section in its entirety and substituting instead the following:

(a) The court shall prohibit any person convicted of a violation of § 55-10-401 from driving a vehicle in this state for a period of:

(1) One (1) year, if the conviction is a first offense;

(A) The driver may apply for a restricted license subject to § 55-10-409.

(2) Two years for a second offense;

(A) The driver may apply for a restricted license after one year, subject to § 55-10-409(d).

(3) Six years for a third offense; and,

(4) Eight years for a fourth or subsequent offense.

(b) Nothing in the provisions of this part shall be construed so as to in any way limit, change, alter, repeal, or amend the provisions of §§ 55-50-303, 55-50-501, or 55-50-502, nor to limit the power or authority of the department of safety to revoke or suspend a driver's license, permit, or privilege under the provisions of Chapter 50 of this

title. Nothing in this section shall be construed to prohibit the issuance of a restricted license in accordance with § 55-10-409.

(c) A person holding a commercial driver license or operating a commercial motor vehicle at the time of the violation of § 55-10-401 for which they are convicted will also be subject to the provisions of § 55-50-405.

SECTION 5. Tennessee Code Annotated, Section 55-10-405, is amended by deleting the section in its entirety and substituting instead the following:

(a) For the sole purpose of enhancing the punishment for a violation a person who is convicted of a violation of § 55-10-401 shall not be considered a repeat or multiple offender and subject to the penalties prescribed in this part if ten (10) or more years have elapsed between the date of the present violation and the date of any immediately preceding violation of § 55-10-401 that resulted in a conviction for such offense. If, however, the date of a person's violation of § 55-10-401 is within ten (10) years of the date of the present violation, then the person shall be considered a multiple offender and is subject to the penalties imposed upon multiple offenders by the provisions of this part. If a person is considered a multiple offender under this part, then every violation of § 55-10-401 that resulted in a conviction for such offense occurring within ten (10) years of the date of the immediately preceding violation shall be considered in determining the number of prior offenses. However, a violation occurring more than twenty (20) years from the date of the instant violation shall never be considered a prior offense for that purpose.

(b) For all purposes in this part the state shall use a conviction for the offense of driving under the influence of an intoxicant, vehicular homicide involving an intoxicant or vehicular assault involving an intoxicant that occurred in another state.

(c) For all purposes in this part a prior conviction for a violation of § 39-13-213(a)(2), § 39-13-106, § 39-13-218 or § 55-10-421, shall be treated the same as a prior conviction for a violation of § 55-10-401.

(d) A certified computer printout of the official driver record maintained by the department of safety shall constitute prima facie evidence of any prior conviction. Following indictment by a grand jury, the defendant shall be given a copy of the department of safety printout at the time of arraignment. If the charge is by warrant, the defendant is entitled to a copy of the department printout at the defendant's first appearance in court or at least fourteen (14) days prior to a trial on the merits. If the defendant alleges error in the driving record in a written motion, the Court may require that a certified copy of the judgment be provided for inspection by the Court as to validity prior to the introduction of the department printout into evidence.

SECTION 6. Tennessee Code Annotated, Section 55-10-406, is amended by deleting the section in its entirety and substituting instead the following:

(a) Any person who drives a motor vehicle in this state is deemed to have given consent to a test or tests for the purpose of determining the alcoholic content of that person's blood, a test or tests for the purpose of determining the drug content of the person's blood, or both tests. However, no such test or tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having reasonable grounds to believe the person was driving while under the influence of alcohol, a drug, any other intoxicant or any combination of alcohol, drugs, or other intoxicants as prohibited by § 55-10-401, or was violating the provisions of § 39-13-106, § 39-13-213(a)(2) or § 39-13-218.

(b)

(1) The following persons who, acting at the written request of a law enforcement officer, withdraw blood from a person for the purpose of conducting

either or both tests, shall not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing:

(A) Any physician;

(B) Registered nurse;

(C) Licensed practical nurse;

(D) Clinical laboratory technician;

(E) Licensed paramedic;

(F) Licensed emergency medical technician approved to establish intravenous catheters;

(G) Technologist; or,

(H) A trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood.

(2) Neither shall the hospital nor other employer of the health care professionals listed in this subdivision (a)(2) incur any civil or criminal liability as a result of the act of withdrawing blood from any person, except for negligence.

(c) Any law enforcement officer who requests that the driver of a motor vehicle submit to either or both tests authorized pursuant to this section, for the purpose of determining the alcohol or drug content, or both, of the driver's blood, shall, prior to conducting either test or tests, advise the driver that refusal to submit to the test or tests will result in the suspension by the court of the driver's operator's license; if the driver is driving on a license that is cancelled, suspended or revoked because of a prior conviction as defined in § 55-10-405, the refusal to submit to the test or tests will, in addition, result in a fine and mandatory jail or workhouse sentence; and if the driver is

convicted of a violation of § 55-10-401, that the refusal to submit to the test or tests, depending on the person's prior criminal history, may result in the requirement that the person be required to operate only a motor vehicle equipped with a functioning ignition interlock device. The court having jurisdiction of the offense for which the driver was placed under arrest shall not have the authority to suspend the license of a driver or require the driver to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-417 who refused to submit to either or both tests, if the driver was not advised of the consequences of the refusal.

(d)

(1) Except as required by subsection (d)(5), court order or search warrant, if such person is placed under arrest, requested by a law enforcement officer to submit to either or both tests, advised of the consequences for refusing to do so, and refuses to submit, the test or tests to which the person refused shall not be given, and the person shall be charged with violating subsection (a). The determination as to whether a driver violated subsection (a) shall be made at the driver's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, unless the refusal is a misdemeanor offense in which case the determination shall be made by the court which determines whether the driver committed the offense; however, upon the motion of the state, the determination may be made at the same time and by the same court as the court disposing of the offense for which the driver was placed under arrest.

(2) Any person who is unconscious as a result of an accident or is unconscious at the time of arrest or apprehension or otherwise in a condition rendering that person incapable of refusal, shall be subjected to the test or tests as provided in this section. The results thereof shall not be used in evidence

against that person in any court or before any regulatory body without the consent of the person so tested. Refusal of release of the evidence so obtained will result in the suspension of that person's driver license, thus the refusal of consent shall give the person the same rights of hearing and determinations as provided for conscious and capable persons in this section.

(3) Nothing in this section shall affect the admissibility in evidence, in criminal prosecutions for aggravated assault or homicide by the use of a motor vehicle only, of any chemical analysis of the alcoholic or drug content of the defendant's blood that has been obtained by any means lawful.

(4) Provided probable cause exists for criminal prosecution for the offense of driving under the influence of an intoxicant under § 55-10-401, nothing in this section shall affect the admissibility into evidence in a criminal prosecution of any chemical analysis of the alcohol or drug content of the defendant's blood that has been obtained while the defendant was hospitalized or otherwise receiving medical care in the ordinary course of medical treatment.

(5)

(A) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of § 39-13-213(a)(2), § 39-13-218, or § 55-10-401, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test; or

(B) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle has committed a violation of § 39-13-

213(a)(2), § 39-13-218 or § 55-10-401, and has a prior conviction of § 39-13-213(a)(2), § 39-13-218 or § 55-10-401, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test.

(C) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle has committed a violation of § 39-13-213(a)(2), § 39-13-218 or § 55-10-401, and a passenger in the motor vehicle is a child under sixteen (16) years of age, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test.

(D) The results of a test performed in accordance with subdivision (d)(5)(A), (d)(5)(B) and (d)(5)(C) may be offered as evidence by either the state or the driver of the vehicle in any court or administrative hearing or official proceeding relating to the accident or offense subject to the Tennessee Rules of Evidence.

(E) The results of any test authorized by this section shall be reported in writing by the person making the test. The report shall have noted on it the time at which the sample analyzed was obtained from the person and made available to the person, upon request.

(6)

(A) Upon the trial of any person charged with a violation of § 55-10-401 the results of any test or tests conducted on the person so charged shall be admissible in evidence in a criminal proceeding.

(B) Failure of a law enforcement officer to request the administering of a test or tests shall likewise be admissible in evidence in a criminal proceeding.

SECTION 7. Tennessee Code Annotated, Section 55-10-407, is amended by deleting the section in its entirety and substituting instead the following:

(a) If the court finds that the driver violated § 55-10-406, except as otherwise provided in this subdivision, the driver shall not be considered as having committed a criminal offense; however, the court shall revoke the license of the driver for a period of:

(1) One (1) year, if the person does not have a prior conviction as defined in subsection (f);

(2) Two (2) years, if the person does have a prior conviction as defined in subsection (f);

(3) Two (2) years, if the court finds that the driver involved in an accident, in which one (1) or more persons suffered serious bodily injury, violated subsection § 55-10-406 by refusing to submit to such a test or tests; and

(4) Five (5) years, if the court finds that the driver involved in an accident in which one (1) or more persons are killed, violated subsection § 55-10-406 by refusing to submit to such a test or tests.

(b) If the court or jury finds that the driver violated § 55-10-406 while driving on a license that was revoked, suspended or cancelled due to a prior conviction as defined in § 55-10-405 the driver commits a Class A misdemeanor and shall be fined not more than one thousand dollars ($1,000), and shall be sentenced to a minimum mandatory jail

or workhouse sentence of five (5) days, which shall be served consecutively, day for day, and which sentence cannot be suspended.

(c) If a person's driver license is suspended for a violation of § 55-10-406 prior to the time the offense for which the driver was arrested is disposed of, the court disposing of such offense may order the department of safety to reinstate the license if:

(1) The implied consent violation and the offense for which the driver was arrested result from the same incident; and

(2) The offense for which the person was arrested is dismissed by the court upon a finding that the law enforcement officer lacked sufficient cause to make the initial stop of the driver's vehicle.

(d)

(1) The period of license suspension for a violation of § 55-10-406 shall run consecutive to the period of license suspension imposed following a conviction for § 55-10-401 if:

(A) The general sessions court or trial court judge determines that the driver violated subsection (a); and,

(B) The judge determining the violation of § 55-10-406 finds that the driver has a conviction or juvenile delinquency adjudication for a violation that occurred within five (5) years of the violation of subsection (a) for:

(i) Implied consent under this section;

(ii) Underage driving while impaired under § 55-10-415;

(iii) The open container law under § 55-10-416; or

(iv) Reckless driving under § 55-10-205, if the charged offense was § 55-10-401.

(2) In all other instances in which the same course of conduct results in a driver license being suspended for a violation of § 55-10-406 and for a violation of § 55-10-401, the suspension period shall run concurrently.

(3) If a driver's violation of § 55-10-406 and § 55-10-401 occur as part of the same incident, the period of driver license suspension for the two (2) violations shall not exceed the period of suspension imposed by the court for the violation of § 55-10-401.

(e) Any person who violates this section by refusing to submit to either test or both tests, pursuant to § 55-10-406(d)(1), shall be charged by a separate warrant or citation that does not include any charge of violating § 55-10-401 that may arise from the same occurrence.

(f)

(1) For the purpose of determining license suspension period under subsection (a), a person who is convicted of a violation of § 55-10-401 shall not be considered a repeat or multiple offender and subject to the penalties prescribed in this subsection (a) if ten (10) or more years have elapsed between the date of the present violation and the date of any immediately preceding violation of § 55-10-401 that resulted in a conviction for such offense. If, however, the date of a person's violation of § 55-10-401 is within ten (10) years of the date of the present violation, then the person shall be considered a multiple offender and is subject to the penalties imposed upon multiple offenders by the provisions of this chapter. If a person is considered a multiple offender under this chapter, then every violation of § 55-10-401 that resulted in a conviction for such offense occurring within ten (10) years of the date of the immediately preceding violation shall be considered in determining the number of prior offenses. However, a violation occurring more than twenty (20) years from the date of the instant violation shall never be considered a prior offense for that purpose.

(2) For the purpose of determining license suspension period under subsection (a), the state shall use a conviction for the offense of driving under the influence of an intoxicant, vehicular homicide involving an intoxicant or vehicular assault involving an intoxicant that occurred in another state.

(3) For the purpose of determining license suspension period under subsection (a), a prior conviction for a violation of § 39-13-213(a)(2), § 39-13-106, § 39-13-218 or § 55-10-421, shall be treated the same as a prior conviction for a violation of § 55-10-401.

SECTION 8. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and substituting instead the following:

(a) The procurement of a sample of a person's blood for the purpose of conducting a test to determine the alcohol content, drug content, or both, of the blood shall be considered valid if the sample was collected by a person qualified to do so, as listed in § 55-10-406(b)(1), or a person acting at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the department of health.

(b) Upon receipt of a specimen forwarded to the director's office for analysis, and the "toxicology request for examination" form, which shall indicate whether or not a breath alcohol test has been administered and the results of that test, the director of the Tennessee bureau of investigation shall have the specimen examined for alcohol concentration, the presence of narcotics or other drugs, or for both alcohol and drugs, if requested by the arresting officer, county medical examiner, or any district attorney general. The office of the director of the Tennessee bureau of investigation shall execute a certificate that indicates the name of the accused, the date, time and by whom the specimen was received and examined, and a statement of the alcohol concentration or presence of drugs in the specimen.

(c) When a specimen taken in accordance with the provisions of this section is forwarded for testing to the office of the director of the Tennessee bureau of investigation, a report of the results of this test shall be made and filed in that office, and a copy mailed to the district attorney general for the district where the case arose.

(d) The certificate provided for in this section shall, when duly attested by the director of the Tennessee bureau of investigation or the director's duly appointed representative, be admissible in any court, in any criminal proceeding, as evidence of the facts therein stated, and of the results of the test, if the person taking or causing to be taken the specimen and the person performing the test of the specimen shall be available, if subpoenaed as witnesses, upon demand by either party to the cause, or, when unable to appear as witnesses, shall submit a deposition upon demand by either party to the cause.

(e) The person tested shall be entitled to have an additional sample of blood or urine procured and the resulting test performed by any medical laboratory of that person's own choosing and at that person's own expense; provided, that the medical laboratory is licensed pursuant to title 68, chapter 29.

SECTION 9. Tennessee Code Annotated, Section 55-10-409, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any other provision of this part to the contrary, a person whose license has been suspended by the court pursuant to § 55-10-404 is not eligible for, and the court shall not have the authority to grant or order, the issuance of a restricted driver license if, based on the record of the department, the person:

(1) Has a prior conviction for a violation of § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, in this state or a similar offense in another state;

(2) Has a prior conviction for a violation of § 55-10-401 or § 55-10-421 within ten (10) years of the present violation in this state or a similar offense in another state; or

(3) If another person is seriously injured or killed in the course of the conduct that resulted in the driver's conviction under § 55-10-401, the driver shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by § 55-10-404 has expired, notwithstanding the fact that it may be the driver's first conviction.

(b)

(1)

(A) A person whose license has been suspended pursuant to § 55-10-404 or § 55-10-406 and who is not prohibited from having a restricted license under subsection (a) may apply for a restricted license to the judge of the court in which he was convicted or a judge of any court of the county of the person's residence having jurisdiction to try charges for driving under the influence, if the person was convicted in this or another jurisdiction.

(B) A person whose license has been suspended because of a conviction in another jurisdiction for operating a motor vehicle while under the influence of an intoxicant and who is not prohibited from having a restricted license under subsection (a) may apply for a restricted license, but must present a copy of the judgment of conviction certified by the court that tried the case with the restricted license application in order for the court in the county of the person's residence to consider the application.

(2)

(A) Upon application by a person who is not prohibited from having a restricted license under subsection (a), the judge of the court may order the issuance of a restricted license in accordance with §55-50-502(c) allowing the person to operate a motor vehicle for the limited purposes set forth in subdivision (c)(1).

(B) If the judge approves the restricted license application of a person who is not prohibited from having a restricted license under subsection (a), the judge shall also order the person to install and keep a functioning ignition interlock device as a condition of probation if, at the time of the offense:

(i) The person was convicted of § 55-10-401 and had a blood alcohol content of .15 or more;

(ii) The person was convicted of § 55-10-401and was accompanied by a person under eighteen (18) years of age;

(iii) The person was involved in a traffic accident for which notice to a law enforcement officer is required under § 55-10-107, and the accident is the proximate result of the person's intoxication; or

(iv) The person violated the implied consent law under § 55-10-406, and has a conviction or juvenile delinquency adjudication for a violation that occurred within five (5) years of the instant implied consent violation, for:

*(a)* Implied consent under § 55-10-406;

*(b)* Underage driving while impaired under § 55-10-415;

*(c)* The open container law under § 55-10-416; or,

*(d)* Reckless driving under § 55-10-205, if the charged offense was § 55-10-401.

(C) A person may apply for assistance to meet the requirement pursuant to § 55-10-419.

(D) A person convicted of § 55-10-401, who is eligible for a restricted license under subsection (a) and who is not required to have an interlock device pursuant to subsection (b)(2) or other statute, may request the court order the installation and use of an ignition interlock in lieu of a restricted license. The person shall pay all costs associated with the device and is not eligible for ignition interlock fund assistance under § 55-10-419.

(E) A court may also order a person whose license has been suspended pursuant to § 55-10-407 to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions which shall remain on the vehicle during the entire period of the restricted license. However, no state funds may be expended to provide a person with an ignition interlock that is ordered pursuant to this subdivision (b)(2)(E).

(c)

(1) A court order issued under subsection (b) shall state, with all practicable specificity, the necessary time and places of permissible operation of a motor vehicle, for the limited purpose of going to and from:

(A) And working at the person's regular place of employment;

(B) The office of the person's probation officer or other similar location for the sole purpose of attending a regularly scheduled meeting or other function with the probation officer by a route to be designated by the probation officer;

(C) A court-ordered alcohol safety program;

(D) A college or university in the case of a student enrolled full time in the college or university;

(E) A scheduled interlock monitoring appointment;

(F) A court ordered outpatient alcohol and drug treatment program; and

(G) The person's regular place of worship for regularly scheduled religious services conduct by a bona fide religious institution as defined in § 48-101-502(c).

(2) The person may obtain a certified copy of the order, and within ten (10) days after it is issued, present it, accompanied by a fee of sixty-five dollars ($65) to the department of safety, which shall forthwith issue a restricted license embodying the limitations imposed in the order. After proper application and until the time as the restricted license is issued, a certified copy of the order may serve in lieu of a motor vehicle operator's license.

(d) Notwithstanding previous subsections, the trial judge may order the issuance of a restricted motor vehicle operator's license in accordance with § 55-50-502 to any person whose motor vehicle operator's license has been revoked pursuant to § 55-10-404 for a period of two (2) years and who is not prohibited from having a restricted license under subsection (a)(1) or (a)(3); provided, however, that the person shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until the expiration of a one (1) year revocation period. If

a restricted license is issued pursuant to this subsection (d), the license shall be issued for the limited purposes set out in (c).

(1) If the court orders the issuance of a restricted motor vehicle operator's license pursuant to this subsection (d), the court shall also order the person to operate only a motor vehicle that is equipped with a functioning interlock device. The restriction shall be for the entire period of the restricted license and for a period of six (6) months after the license revocation period has expired if required by § 55-10-417(l).

(2) §§ 55-10-417, 55-10-418, and 55-10-419 shall apply when a person is ordered to operate only a motor vehicle that is equipped with a functioning ignition interlock device pursuant to subsection (d).

SECTION 10. Tennessee Code Annotated, Section 55-10-410, is amended by deleting the section in its entirety and substituting instead the following:

(a) In addition to incarceration, fines and license ramifications the sentencing judge has the discretion to impose any conditions of probation which are reasonably related to the offense, but shall impose the following conditions:

(1)

(A)

(i) Participation in an alcohol and drug safety DUI school, and/or drug offender school program, if available; and

(ii) A drug and alcohol assessment or treatment; or

(iii) If the court deems it appropriate and the service is available, both a drug and alcohol assessment and treatment, with the cost of such service being paid as provided in subsection (a)(4); or

(B) In lieu of or in addition to subdivision (a)(1)(A), the judge may order the offender to attend a victims impact panel program if such a program is offered by the county where the offense occurs and, if the court finds the offender has the ability to pay, to pay a fee of not less than twenty-five ($25) nor more than fifty ($50) dollars as determined by the governing authority of the program and approved by the sentencing judge, to the program to offset the cost of participation by the offender; or

(2) Upon the second or subsequent conviction for violating the provisions of § 55-10-401, involving being under the influence of a controlled substance or controlled substance analogue, § 39-17-418, involving the possession of a controlled substance, or § 39-17-454, involving the possession of a controlled substance analogue, participation in a program of rehabilitation at an alcohol or drug treatment facility, if available.

(3) Restitution as provided in § 55-10-403(d).

(4) Notwithstanding any other law to the contrary, if a person convicted of a violation of § 55-10-401 has a prior conviction for a violation of § 55-10-401 within the past five (5) years, the court shall order such person to undergo a drug and alcohol assessment and receive treatment as appropriate. Unless the court makes a specific determination that the person is indigent, the expense of such assessment and treatment shall be the responsibility of the person receiving it. Notwithstanding the provisions of subdivision (b)(1)(B), if the court finds that the person is indigent, the expense or some portion of the expense may be paid from the alcohol and drug addiction treatment fund established in § 40-33-211(c)(2) pursuant to a plan and procedures developed by the department of mental health and substance abuse services.

(b) The sheriff of each county shall develop a written policy that permits alcohol and drug treatment organizations to have reasonable access to persons confined in the county jail or workhouse convicted of or charged with a violation of this part.

SECTION 11. Tennessee Code Annotated, Section 55-10-411, is amended by deleting the section in its entirety and substituting instead the following:

(a) For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (0.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

(b)

(1) Any person convicted of an initial or subsequent offense shall be advised, in writing, of the penalty for second and subsequent convictions, and, in addition, when pronouncing sentence the judge shall advise the defendant of the penalties for additional offenses. Written notice by the judge shall inform the defendant that a conviction for the offense of driving under the influence of an intoxicant committed in another state shall be used to enhance the punishment for a violation of § 55-10-401 committed in this state.

(2) In the prosecution of second or subsequent offenders, the indictment or charging instrument must allege the prior conviction or convictions for violating any of the provisions of § 55-10-401, § 39-13-213(a)(2), § 39-13-106, § 39-13-218 or § 55-10-421, setting forth the time and place of each prior conviction or convictions. When the state uses a conviction for the offense of driving under the influence of an intoxicant, aggravated vehicular homicide, vehicular homicide, vehicular assault or adult driving while impaired committed in another state for the purpose of enhancing the punishment for a violation of § 55-10-401, the

indictment or charging instrument must allege the time, place and state of the prior conviction.

(c) No person charged with violating the provisions of § 55-10-401 shall be eligible for suspension of prosecution and dismissal of charges pursuant to the provisions of §§ 40-15-102 - 40-15-105 and 40-32-101(a)(3)-(c)(3) or for any other diversion program nor shall any person convicted under such sections be eligible for suspension of sentence or probation pursuant to § 40-21-101 [repealed] or any other provision of law authorizing suspension of sentence or probation until such time as the person has fully served day for day at least the minimum sentence provided by law.

(d) Nothing in chapter 591 of the Public Acts of 1989, the Sentencing Reform Act of 1989, shall be construed as altering, amending or decreasing the penalties established in this section for the offense of driving under the influence of an intoxicant.

(e) The fact that any person charged with violating § 55-10-401 is or has been entitled to use one (1) or more intoxicants, alcohol, marijuana, controlled substances, drugs, or other substances that cause impairment shall not constitute a defense against any charge of violating this part.

(f) No person arrested for a violation of § 55-10-401 shall be subjected to a strip search or body cavity search, unless the officer has probable cause to believe the arrested person is concealing a weapon or contraband in a body cavity. Contraband includes, but is not limited to, illegal drugs.

(g) No judge of the general sessions court has jurisdiction to punish any person violating § 55-10-401 under the small offense law.

(h) The following definitions shall apply to this part:

(1) All definitions at TCA § 55-8-101.

(2) "Test" means any chemical test designed to determine the alcoholic or drug content of the blood. The specimen to be used for the test shall include blood, urine or breath.

(3) “Functioning ignition interlock device” means a device that connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device; and

(4) “Ignition interlock provider” means an entity that has been approved and certified by the department of safety to provide the installation, monitoring and removal of functioning ignition interlock devices in this state.

SECTION 12. Tennessee Code Annotated, Section 55-10-412, is amended by deleting the section in its entirety and substituting instead the following:

(a) A portion of any fine imposed upon a person for a violation of § 55-10-401, up to the maximum fine actually imposed, shall be returned to the sheriff of a county jail or to the chief administrative officer of a city jail for the purpose of reimbursing the sheriff or officer for the cost of incarcerating the person for each night the person is actually in custody for a violation of this section. This reimbursement shall be in the same amount as is provided by § 8-26-105, and shall not in any event be less than the actual cost of maintaining the person and shall be reimbursed in the manner provided by § 8-26-106.

(b) The proceeds from the increased portion of the fines for driving under the influence of an intoxicant provided for in Acts 1994, ch. 948 shall be collected by the respective court clerks and then deposited in a dedicated county fund. This fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the purposes set out in this section. For purposes of this section, the increased portion of the fine shall for all purposes be considered to be the first one hundred dollars ($100) collected after the initial collection of two hundred fifty dollars ($250) on a first offense,

the first one hundred dollars ($100) collected after the initial collection of five hundred dollars ($500) on a second offense, and the first one hundred dollars ($100) collected after the initial collection of one thousand dollars ($1,000) on a third or subsequent offense.

(c) The respective counties shall be authorized to expend the funds generated by the increased fines provided for in Acts 1994, ch.948, by appropriations to any of the following:

(1) Alcohol, drug, and mental health treatment facilities licensed by the department of mental health and substance abuse services;

(2) Metropolitan drug commissions or other similar programs sanctioned by the governor's Drug Free Tennessee program for the purposes of Acts 1994, ch. 948;

(3) Organizations exempted from the payment of federal income taxes by § 501(c)(3) of the federal Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3), whose primary mission is to educate the public on the dangers of illicit drug use, alcohol abuse, or the co-occurring disorder of both alcohol and drug abuse and mental illness or to render treatment for alcohol and drug addiction, or the co-occurring disorder of both alcohol and drug abuse and mental illness;

(4) Specialized court programs and specialized court dockets that supervise offenders who suffer from alcohol and drug abuse, or the co-occurring disorder of both alcohol and drug abuse and mental illness;

(5) Organizations that operate drug, alcohol, or co-occurring disorder treatment programs for the homeless or indigent;

(6) Agencies or organizations for purposes of drug testing of offenders who have been placed on misdemeanor probation; and,

(7) The employment of a probation officer for the purposes of supervising drug and alcohol offenders.

SECTION 13. Tennessee Code Annotated, Section 55-10-413, is amended by deleting the section in its entirety and substituting instead the following:

(a) In addition to all other fines, fees, costs and punishments now prescribed by law, an ignition interlock fee of forty dollars ($40) shall be assessed for each violation of §55-10-401, which occurred on or after July 1, 2010 and resulted in a conviction for such offense.

(b) In addition to all other criminal penalties, costs, taxes and fees now prescribed by law, any person convicted of violating the provisions of § 55-10-401 will be assessed a fee of five dollars ($5.00), to be paid into the state treasury and deposited to the credit of the fund established pursuant to § 9-4-206.

(c)

(1) In addition to all other fines, fees, costs and punishments now prescribed by law, an alcohol and drug addiction treatment fee of one hundred dollars ($100) shall be assessed for each conviction for a violation of § 55-10-401.

(2) All proceeds collected pursuant to subdivision (c)(1), shall be transmitted to the commissioner of mental health and substance abuse services for deposit in the special “alcohol and drug addiction treatment fund” administered by the department.

(d)

(1) In addition to all other fines, fees, costs and punishments now prescribed by law, in counties having a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000), or in counties having a population of more than seven hundred

thousand (700,000), according to the 1990 federal census or any subsequent federal census, a blood alcohol concentration test (BAT) fee in the amount of seventeen dollars and fifty cents ($17.50) will be assessed upon conviction of an offense of driving while intoxicated for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency in the counties or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory.

(2) In addition to all other fines, fees, costs and punishments now prescribed by law, in counties having a metropolitan form of government with a population greater than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, a BAT fee in an amount to be established by resolution of the legislative body of any county to which this subdivision (d)(2) applies, not to exceed fifty dollars ($50.00), will be assessed upon conviction of an offense of driving while intoxicated for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency in the counties or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory.

(3) This fee shall be collected by the clerks of various courts of the counties and forwarded to the county trustee on a monthly basis and designated for exclusive use by the law enforcement testing unit of the counties if the BAT was conducted on an evidential breath testing unit. If the blood alcohol test was conducted by a publicly funded forensic laboratory, the fee shall be collected by the clerks of the various courts of the counties and forwarded to the county trustee on a monthly basis and designated for exclusive use by the publicly funded forensic laboratory.

(4) In counties having a metropolitan form of government with a population greater than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, this fee shall be collected by the clerks of the various courts of the counties and forwarded to the county trustee on a monthly basis. If the BAT was conducted on an evidential breath testing unit, seventeen dollars and fifty cents ($17.50) of the fee shall be designated for exclusive use by the law enforcement testing unit of the county. The county trustee shall deposit the remainder of the fee in the general fund of the county. If the blood alcohol test was conducted by a publicly funded forensic laboratory, seventeen dollars and fifty cents ($17.50) of the fee collected by the clerks of the various courts of the counties and forwarded to the county trustee on a monthly basis shall be designated for exclusive use by the publicly funded forensic laboratory. The county trustee shall deposit the remainder of the fee in the general fund of the county.

(e) Notwithstanding any other law to the contrary, in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census, upon conviction for a violation of § 55-10-401, § 55-10-415, § 55-10-421 or § 55-50-408, the court shall assess against the defendant a blood alcohol concentration test (BAT) fee to be established by the county legislative body of any county to which this subsection (e) applies in an amount not to exceed fifty dollars ($50.00) for obtaining a blood sample for the purpose of performing a test to determine the alcoholic or drug content of the defendant's blood pursuant to § 55-10-406 that is incurred by the governmental entity served by the law enforcement agency arresting the defendant. The fee authorized by this subsection (e) shall only be

assessed if a blood sample is actually taken from a defendant convicted of any of these offenses and the test is actually performed on the sample.

(f)

(1) In addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to subsection (d), a blood alcohol or drug concentration test (BADT) fee in the amount of two hundred and fifty dollars ($250) shall be assessed upon a conviction for a violation of § 39-13-106, § 39-13-213(a)(2), § 39-13-218, § 39-17-418 § 55-10-205 or § 55-10-401, for each offender who has taken a breath alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency for the purpose of determining the breath alcohol content or has submitted to a chemical test to determine the alcohol or drug content of the blood or urine.

(2) The fee authorized in subdivision (f)(1), shall be collected by the clerks of the various courts of the counties and forwarded to the state treasurer on a monthly basis for deposit in the Tennessee bureau of investigation (TBI) toxicology unit intoxicant testing fund created as provided in subsection (f)(3), and designated for exclusive use by the TBI for the purposes set out in subsection (f)(3).

(3) There is created a fund within the treasury of the state, to be known as the TBI toxicology unit intoxicant testing fund.

(A) Moneys shall be deposited to the fund pursuant to subsection (f)(2), and as may be otherwise provided by law, and shall be invested pursuant to § 9-4-603. Moneys in the fund shall not revert to the general fund of the state, but shall remain available for appropriation to the Tennessee bureau of investigation, as determined by the general assembly.

(B) Moneys in the TBI toxicology unit intoxicant testing fund and available federal funds, to the extent permitted by federal law and regulation, shall be used to fund a forensic scientist position in each of the three (3) bureau crime laboratories, to employ forensic scientists to fill these positions, and to purchase equipment and supplies, pay for the education, training and scientific development of employees, or for any other purpose so as to allow the bureau to operate in a more efficient and expeditious manner. To the extent that additional funds are available, these funds shall be used to employ personnel, purchase equipment and supplies, pay for the education, training and scientific development of employees, or for any other purpose so as to allow the bureau to operate in a more efficient and expeditious manner.

(g)

(1) In addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to § 55-10-403(h), a blood alcohol or drug concentration test (BADT) fee in the amount of one hundred dollars ($100) shall be assessed upon conviction for a violation of § 39-13-106, § 39-13-213(a)(2), § 39-13-218 or § 55-10-401, if the blood or urine of the convicted person was analyzed by a publicly funded forensic laboratory or other forensic laboratory operated by and located in counties having a population of not less than eighty-seven thousand nine hundred (87,900) nor more than eighty-eight thousand (88,000), according to the 2000 federal census or any subsequent federal census, for the purpose of determining the alcohol or drug content of the blood.

(2) The fee authorized in subdivision (g)(2) shall be collected by the clerks of the various courts of the counties and shall be forwarded to the county

trustees of those counties on a monthly basis and designated for the exclusive use of the publicly funded forensic laboratory in those counties.

SECTION 14. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new §55-10-414:

(a)

(1) The vehicle used in the commission of a person's second or subsequent violation of § 55-10-401, or the second or subsequent violation of any combination of § 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in title 40, chapter 33, part 2. The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this subsection (a).

(2) In order for subdivision (a)(1) to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one (1) of the previous violations must have occurred within five (5) years of the current violation.

(3) It is the specific intent that a forfeiture action under this section shall serve a remedial and not a punitive purpose. The purpose of the forfeiture of a vehicle after a person's second or subsequent DUI violation is to prevent unscrupulous or incompetent persons from driving on Tennessee's highways while under the influence of alcohol or drugs. Driving a motor vehicle while under the influence of alcohol or drugs endangers the lives of innocent people who are exercising the same privilege of riding on the state's highways. There is a reasonable connection between the remedial purpose of this section, ensuring safe roads, and the forfeiture of a motor vehicle. While this section may serve as a deterrent to the conduct of driving a motor vehicle while under the influence of

alcohol or drugs, it is nonetheless intended as a remedial measure. Moreover, the statute serves to remove a dangerous instrument from the hands of individuals who have demonstrated a pattern of driving a motor vehicle while under the influence of alcohol or drugs.

(4) Only P.O.S.T.-certified or state-commissioned law enforcement officers will be authorized to seize these vehicles under this section.

SECTION 15. Tennessee Code Annotated, Section 55-10-415, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) A person age sixteen (16) or over but under age twenty-one (21) may not drive or be in physical control of an automobile or other motor driven vehicle while:

(A) The alcohol concentration in the person's blood is more than two hundredths of one percent (0.02%);

(B) Under the influence of alcohol;

(C) Under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or,

(D) Under the combined influence of alcohol and any other drug set out in subdivision (a)(1)(C) to a degree that makes the person's driving ability impaired.

(2) For purposes of this section, "drug producing stimulating effects on the central nervous system" has the same meaning and includes the same items set out in former § 55-10-401(b) [repealed].

(b) The fact that any person who drives while under the influence of narcotic drugs or barbital drugs is or has been entitled to use the drugs under the laws of this state does not constitute a defense to the violation of this section.

(c) This section establishes the offense of underage driving while impaired for any person age sixteen (16) or over but under age twenty-one (21). The offense of underage driving while impaired is a lesser included offense of driving while intoxicated.

(d)

(1) The offense of underage driving while impaired for a person age eighteen (18) or over but under age twenty-one (21) is a Class A misdemeanor punishable only by a driver license suspension of one (1) year and by a fine of two hundred fifty dollars ($250). As additional punishment, the court may impose public service work.

(2) The delinquent act of underage driving while impaired for a person age sixteen (16) or over but under the age of eighteen (18) is punishable only by a driver license suspension of one (1) year and by a fine of two hundred fifty dollars ($250). As additional punishment, the court may impose public service work.

(e) A person age sixteen (16) or over but under the age of eighteen (18) who commits the offense of underage driving while impaired commits a delinquent act.

SECTION 16. Tennessee Code Annotated, Section 55-10-417, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1)

(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person’s license is reinstated.

(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.

(2) A person convicted of § 55-10-401, who is eligible for a restricted license under § 55-10-409(a) and who is not required to have an interlock device pursuant to § 55-10-409(b)(2) or other statute, may request the court order the installation and use of an ignition interlock in lieu of a restricted license. The person shall pay all costs associated with the device and is not eligible for ignition interlock fund assistance under § 55-10-419.

(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subsection (a)(1), subsection (a)(2), or subsection (l) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction.

(b) If a person is issued a restricted license pursuant to § 55-10-409, or required to operate only a motor vehicle with a functioning ignition interlock device installed and such person's license is no longer suspended or revoked, such person's license shall not be subject to the geographic restrictions if the person is:

(1) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to § 55-10-409(b)(2);

(2) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to subsection (a)(1) and such person's license is no longer suspended or revoked; or,

(3) Required to operate only a motor vehicle with a functioning ignition interlock device pursuant to subsection (l).

(c) Upon ordering a functioning ignition interlock device pursuant to § 55-10-409 or subsection (a)(1), subsection (a)(2) or subsection (l) the court shall establish a specific calibration setting of two-hundredths of one percent (0.02%) blood alcohol concentration at which the functioning ignition interlock device will prevent the motor vehicle from being started.

(d) Upon ordering the use of a functioning ignition interlock device pursuant to § 55-10-409 or subsection (a)(1), subsection (a)(2), or subsection (l) the court shall:

(1) State on the record the requirement for and the period of use of the device and so notify the department of safety;

(2) Notify the department of corrections, the department of safety or any other agency, department, program, group, private entity or association that is responsible for the supervision of the person ordered to drive only a motor vehicle with a functioning ignition interlock device;

(3) Direct that the records of the department reflect:

(A) That the person may not operate a motor vehicle that is not equipped with a functioning ignition interlock device; and

(B) Whether the court has expressly permitted the person to operate a motor vehicle without a functioning ignition interlock device for employment purposes under subsection (m); and

(4) Direct the department to attach or imprint a notation on the motor vehicle operator's license of any person restricted under this section, stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(e) Upon the court ordering a person to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-409, subsection (a)(1) or subsection (l), the court, the department of corrections or any other agency, department,

program, group, private entity or association that is responsible for the supervision of such person shall:

(1) Require proof of the installation of the functioning ignition interlock device on at least one (1) motor vehicle operated by such person;

(2) Require periodic reporting by the person for verification of the proper operation of the functioning ignition interlock device;

(3) Require the person to have the system monitored for proper use and accuracy by an entity approved by the department of safety at least every thirty (30) days, or more frequently as the circumstances may require; and

(4) Notify the court of any of the person's violations of this part.

(f)

(1) If a person is ordered to drive only a motor vehicle with a functioning ignition interlock device, and such person owns or operates more than one (1) motor vehicle, the court shall also order the person to elect a motor vehicle such person will operate exclusively during the interlock period and order the device to be installed on such motor vehicle prior to applying for a motor vehicle operator's license of any kind and shall show proof of such installation and operation of such device at the time of making application for a motor vehicle operator's license to the department of safety or to the court. A person may elect to have a functioning interlock device installed on more than one (1) motor vehicle.

(2) If the motor vehicle that the person has elected to exclusively operate during the interlock period is no longer being used by such person, the person shall have any replacement motor vehicle exclusively used by such person installed with a functioning ignition interlock device and notify the department of safety and any agency, department, program, group, private entity or association that is responsible for the supervision of such person.

(g) A person prohibited under this part from operating a motor vehicle that is not equipped with a functioning ignition interlock device shall not solicit or have another person attempt to start or start a motor vehicle equipped with such a device.

(h) A person shall not attempt to start or start a motor vehicle equipped with a functioning ignition interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited under this section from operating a motor vehicle that is not equipped with a functioning ignition interlock device.

(i) A person shall not tamper with, or in any way attempt to circumvent, the operation of a functioning ignition interlock device that has been installed in a motor vehicle.

(j) A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person who the provider of the vehicle knows or should know is prohibited from operating a motor vehicle not equipped with a functioning ignition interlock device.

(k) Except as provided in subdivision (k)(4), a person who violates subsections (g), (h), (i) or (j) commits a Class A misdemeanor:

(1) If the violation is the person's first violation, such person shall be sentenced to a minimum of forty-eight (48) hours of incarceration.

(2) If the violation is the person's second violation, such person shall be sentenced to a minimum of seventy-two (72) hours of incarceration.

(3) If the violation is the person's third or subsequent violation, such person shall be sentenced to a minimum of seven (7) consecutive days of incarceration.

(4) The penalty provisions of this subsection shall not apply if:

(A) The starting of a motor vehicle, or the request to start a motor vehicle, equipped with a functioning ignition interlock device is done for

the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not operate the vehicle; or

(B) The court finds that a person is required to operate a motor vehicle in the course and scope of the person's employment, the requirements set out in subsection (m) are met, the vehicle is owned by the employer, and the vehicle is being operated by the person during regular working hours for the purposes of employment.

(l) If a person convicted of a violation of § 55-10-401 has a prior conviction as defined in § 55-10-405 within the past five (5) years, the court shall order the person, or the department of safety shall require the person prior to issuing a motor vehicle operator's license of any kind, to operate only a motor vehicle, after the license revocation period, which is equipped with a functioning interlock device for a period of six (6) months.

(m)

(1) Any person ordered to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-409, subsection (a)(1) or subsection (l) may, solely in the course of employment, operate a motor vehicle, which is owned or provided by such person's employer, without installation of a functioning ignition interlock device, if:

(A) The court expressly permits such operation;

(B) The employer has been notified of such driving privilege restriction; and

(C) Proof of the notification set out in subdivision (m)(1)(B) is within the vehicle, provided to the court and provided to the person's probation officer or the person responsible for the supervision of the defendant.

(2) If a court permits a person to operate a vehicle pursuant to subdivision (m)(1), the court may also place additional driving restrictions on such person that the court deems necessary to ensure compliance with this section.

(3) Subdivision (m)(1) shall not apply if such employer is an entity wholly or partially owned by the person subject to this section. If such employer is an entity wholly or partially owned by the person subject to the provisions of this section, the person shall be required to drive only a motor vehicle with a functioning ignition interlock device and no such employer exemption shall be available to such person.

SECTION 17. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and substituting instead the following:

(a) From January 1, 2011, until June 30, 2012:

(1) An ignition interlock provider shall not charge more than seventy dollars ($70.00) for installing one (1) ignition interlock device; and

(2) An ignition interlock provider shall not charge more than a total of one hundred dollars ($100) per month for leasing, purchasing, monitoring, removing and maintaining an ignition interlock device.

(b) By July 1, 2012, the department of safety shall establish, through rules and regulations promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5:

(1) The maximum fees that may be charged for installing, leasing, purchasing, monitoring, removing and maintaining an ignition interlock device; and,

(2) Requirements that ensure that certified ignition interlock providers have the ability to provide devices to any resident in the state.

(c)

(1) From January 1, 2011, until January 1, 2012, the department of safety in consultation with the treasurer shall conduct a study to determine:

(A) The amount of fee that should be established pursuant to § 55-10-413(a) in order to keep the interlock assistance fund solvent;

(B) The maximum fees to be charged pursuant to subsection (b), taking into consideration the goal of making the interlock device affordable to all offenders in this state; and

(C) The necessary requirements that should be established in order to ensure that providers have the ability to provide devices to any resident in the state.

(2) The department of safety shall report the findings of its study conducted pursuant to subdivision (c)(1) to the judiciary committees of the senate and the house of representatives on or before January 1, 2012.

(d) Any licensed ignition interlock provider providing a functioning ignition interlock device to a person pursuant to this part shall report to the department of correction, or any other agency, department, program, group, private entity or association that is responsible for the supervision of a person who is ordered to drive only a motor vehicle with a functioning ignition interlock device installed on such vehicle as a condition of such person's probation, any evidence of such person's:

(1) Altering, tampering with, bypassing, or removing a functioning ignition interlock device;

(2) Failing to abide by the terms or conditions ordered by the court, including, but not limited to, failing to appear for scheduled monitoring visits; and

(3) Attempting to start the motor vehicle while under the influence of alcohol.

(e) The Tennessee bureau of investigation, beginning February 1, 2012, and thereafter annually, on or before February 1, shall report in writing to the judiciary committees of the senate and the house of representatives the number of times the offense of driving under the influence, set out in § 55-10-401, was charged at the time of arrest, if reported to the bureau, and any associated final disposition that has been received for the arrest.

(f) The department of safety, beginning February 1, 2012, and thereafter annually, on or before February 1, shall report in writing to the judiciary committees of the senate and the house of representatives the number of offenders who have, in the previous year, had installed on their motor vehicles functioning ignition interlock devices and whether the installation of each device was pursuant to the requirement set out in:

(1) § 55-10-409(b)(2)(B);

(2) § 55-10-409(b)(2)(D);

(3) § 55-10-409(d)(1);

(2) § 55-10-417 (a)(1); or,

(5) § 55-40-417(l).

(g) For purposes of this section, "previous year" means from January 1 to December 31 of the year immediately preceding the February 1 reporting date.

SECTION 18. Tennessee Code Annotated, Section 55-10-419, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) There is created in the state treasury a fund to be known as the interlock assistance fund. Except as provided in subsection (f), all money in such fund shall be used to pay for the costs associated with the lease, purchase, installation, removal and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by this part, of

persons deemed by the court to be indigent. Moneys in the fund shall not revert to the general fund of the state, but shall remain available to be used as provided for in subsection (f).

(2) Interest accruing on investments and deposits of the interlock assistance fund shall be credited to such account, shall not revert to the general fund, and shall be carried forward into each subsequent fiscal year.

(3) Moneys in the interlock assistance fund account shall be invested by the state treasurer in accordance with § 9-4-603.

(b) Except as otherwise provided in § 55-10-409(b)(2)(D), the costs incurred in order to comply with the ignition interlock requirements shall be paid by the person ordered to install a functioning ignition interlock device, unless the court finds such person to be indigent. If a court determines that a person is indigent, the court shall order such person to pay any portion of the costs which the person has the ability to pay, as determined by the court. Any portion of the costs the person is unable to pay shall come from the interlock assistance fund established pursuant to subsection (a).

(c) Whenever a person ordered to install a device pursuant to § 55-10-409(b)(2), § 55-10-409(d)(1), § 55-10-417(a)(1) or § 55-10-417(l) asserts to the court that the person is indigent and financially unable to pay for a functioning ignition interlock device, it shall be the duty of the court to conduct a full and complete hearing as to the financial ability of the person to pay for such device and, thereafter, make a finding as to the indigency of such person.

(d) A person is indigent and financially unable to pay for a functioning ignition interlock device if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(e) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device shall be required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsection (c). If the person intentionally misrepresents, falsifies or withholds any information required by the affidavit of indigency, such person commits perjury as set out in § 39-16-702.

(f)

(1) If at any time after January 1, 2011, there are no funds in the interlock assistance fund or the fund is depleted, any indigent person required to have a functioning ignition interlock device who is ordered to have such pursuant to:

(A) §§ 55-10-409(b)(2) or 55-10-409(d)(1) shall be ineligible for a restricted license; or,

(B) §§ 55-10-417(a)(1) or (l) shall be ineligible to have such person's license reinstated.

(2) If at any time during the period in which an indigent person is not eligible for a restricted license or reinstatement of the person's motor vehicle operator's license due to subdivision (f)(1), such person may petition the court to have a portion or all of the costs of the ignition interlock device paid by funds from the interlock assistance fund if at any time funds become available.

(g)

(1) All proceeds collected pursuant to § 55-10-413(a) shall be transmitted to the treasurer for deposit in the interlock assistance fund.

(2) The fee assessed pursuant to subdivision § 55-10-413(a) shall be allocated as follows:

(A) Thirty dollars and fifty cents ($30.50) to the interlock assistance fund for the purpose of paying for all the costs associated with

the lease, purchase, installation, removal and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by title 55, chapter 10, part 4 for persons found to be indigent by the court; and

(B) Four dollars and fifty cents ($4.50) to the Tennessee hospital association for the sole purposes of making grants to hospitals that have been designated as critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas;

(C) One dollar twenty-five cents ($1.25) to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund;

(D) One dollar twenty-five cents ($1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol related traffic offenses;

(E) One dollar twenty-five cents ($1.25) to the department of safety to be used to defray the expenses of administering this act; and

(F) One dollar twenty-five cents ($1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. In order for a halfway house to qualify for such grant awards it shall provide:

(i) No less than sixty (60) residential beds monthly with occupancy at no less than ninety-seven percent (97%) per month, or if a halfway house with nonresidential day reporting services, it shall serve no less than two hundred (200) adults monthly;

(ii) Safe and secure treatment facilities, and treatment to include moral recognition therapy, GED course work, anger management therapy, and domestic and family counseling; and

(iii) Transportation to and from work, mental health or medical appointments for each of its residents.

(3)

(A) Beginning in fiscal year 2013-2014 any surplus in the interlock assistance fund shall be allocated as follows:

(i) Sixty percent (60%) of such surplus shall be used by the Tennessee Hospital Association for the sole purposes of making grants to hospitals that have been designated as critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas;

(ii) Twenty percent (20%) of such surplus shall be transmitted to the department of mental health and substance abuse services and placed in the alcohol and drug addiction treatment fund; and

(iii) Twenty percent (20%) of such surplus shall be used by the department of finance and administration, office of criminal justice programs, to provide grants to local law enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol related traffic offenses.

(B) For purposes of this subsection (f), “surplus” means any amount in the interlock assistance fund that exceeds one and one-half (1.5) times the amount used from the fund in the previous fiscal year to pay for the costs associated with the lease, purchase, installation, removal and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by title 55, chapter 10, part 4, for persons found to be indigent by the court, as determined by the treasurer.

(C) Beginning on October 1, 2012, and annually thereafter, the treasurer shall report the amount of any surplus in the interlock assistance fund to the commissioner of finance and administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51. The general assembly shall appropriate such surplus in accordance with the purposes provided in subdivision (g)(3)(A).

(h) For purposes of this section, "previous year" means from January 1 to December 31 of the year immediately preceding the February 1 reporting date.

SECTION 19. Tennessee Code Annotated, Section 55-10-420, is amended by deleting the section in its entirety and substituting instead the following:

(a) When the offender first reports to the offender's probation officer, the probation officer shall provide the offender with a form to be completed by the sheriff of

the county where litter removal is to be performed. It is the responsibility of the offender to take the form to the sheriff of the county where the offender will perform litter removal. After completion of the court-ordered number of days of litter removal by the offender and the payment of the supervision fee required by subdivision (b)(2) to the sheriff for participating in the litter removal program, the sheriff shall complete the form and certify that the offender has complied with this condition of probation. The sheriff shall give the completed form to the offender, who shall be responsible for returning the form to the offender's probation officer as evidence of completion of this condition of probation. If an offender believes that the offender is incapable of performing such work due to a physical limitation, the offender may request the convicting court to relieve the offender from this condition of probation. The court may require the offender to submit proof of physical limitation, as it deems appropriate, to determine if the offender should be relieved.

(b)

(1) If the offender is a resident of this state, the litter removal portion of the sentence shall occur in the offender's county of residence through the appropriate probation office or state litter removal grant director. If the offender is not a resident of this state, the litter removal portion of the sentence shall occur in the county where the violation occurred.

(2) In order to compensate the probation office or county official who administers the state litter removal grant for costs related to the supervision of the offender while on a litter removal work crew, the offender shall pay to the probation office or county official who administers the state litter removal grant a fee for each day the offender participates in a litter removal program. The fee shall be fixed by resolution of the county legislative body. The probation office or county official that administers the state litter removal grant may collect the fee

before the offender is permitted to perform litter removal services, after each day service is performed, or after all days of litter removal service have been performed, but the fee shall be collected before the office certifies that the offender has completed this condition of probation. The judge has the authority, however, to make an affirmative finding that the offender lacks a present ability to pay the fee and to include such finding in the sentencing order, which shall be submitted to the probation office or county official that administers the state litter removal grant.

(3) Upon request, the probation office or county official who administers the state litter removal grant shall provide the offender with a schedule of the times and dates when litter removal crews will be working. Crews shall only be scheduled to work during daylight hours and only on public roadways or publicly-owned property. The probation office or county official who administers the state litter removal grant should attempt to provide enough opportunities to work on a litter removal crew that an offender may complete the required three (3) days of litter removal within a ninety-day period. Offenders may work with other prisoners on litter removal crews organized by the county or a municipality within the county. The offender shall notify the probation office not less than twenty-four (24) hours in advance of a scheduled work date to indicate that the offender desires to participate. The probation office or county official who administers the state litter removal grant may set a maximum number of participants on a work crew and allow participation on a first-come, first-served basis. The offender is responsible for arranging transportation to and from the work site or other location where the probation office directs offenders to report. Except for the vest required by subdivision (4), offenders are also responsible for furnishing their own clothing and food while engaged in litter removal.

(4) Each offender ordered to remove litter pursuant to § 55-10-402(a)(1) shall be required to wear a blaze orange or other distinctively colored vest with the words "I AM A DRUNK DRIVER" stenciled or otherwise written on the back of the vest, in letters no less than four inches (4") in height.

(5) It shall be within the discretion of the probation office or county official who administers the state litter removal grant to select the public roadways or publicly-owned property from which offenders remove litter. If the highway selected is a state route highway or state-owned public property, the department of transportation shall provide a truck or trucks to remove the litter removed by the offenders. If the highway selected is a state-aid highway or county-owned public property, the appropriate county shall provide a truck or trucks to remove the litter removed by the offenders.

(6) The probation office or county official who administers the state litter removal grant may enter into agreements with any city or municipality located within the county in which offenders sentenced pursuant to this section may be used to remove litter from state route highways or state-aid highways located within the limits of the city or municipality. The agreement may provide that the city or municipality assume responsibility for the supervision and control of the offenders.

(7) If any entity receives funds under § 41-2-123(c), the offenders shall be the responsibility of the entity supervising that program and under that entity's supervision and control. In any county where that is the case, "probation office" as used in this section shall be interpreted instead to mean the individual or department head in charge of the alternative program.

(8) No probation office or county official who administers the state litter removal grant shall be permitted to use an offender sentenced pursuant to this subsection (s) to perform any task other than litter removal.

(9) Nothing in this subsection shall be construed to require that the department of correction supervise DUI offenders engaged in the DUI offender litter removal program established by this section or otherwise be involved in such program.

SECTION 20. Tennessee Code Annotated, Section 55-10-421, is amended by deleting the section in its entirety and substituting instead the following:

(a) Effective July 1, 2003, the offense of adult driving while impaired is repealed.

(b) Nothing in the repeal of the offense of adult driving while impaired shall be construed to prohibit or prevent the use of any conviction for the offense occurring prior to July 1, 2003, for any of the purposes set out in §§ 55-10-405, 55-10-406, 55-10-409, 55-10-411(b)(2), 55-10-603(2)(A)(x) or 55-50-502(c)(3)(B)(ii).

SECTION 21. Tennessee Code Annotated, Section 55-10-422, is amended by deleting the section in its entirety.

SECTION 22. Tennessee Code Annotated, Section 55-10-423, is amended by deleting the section in its entirety.

SECTION 23. Tennessee Code Annotated, Section 55-10-451, is amended by deleting the section in its entirety.

SECTION 24. Tennessee Code Annotated, Section 55-10-452, is amended by deleting the section in its entirety.

SECTION 25. Tennessee Code Annotated, Section 55-10-453, is amended by deleting the section in its entirety.

SECTION 26. Tennessee Code Annotated, Section 55-10-454, is amended by deleting the section in its entirety.

SECTION 27. Tennessee Code Annotated, Section 6-54-141(a)(2), is amended by deleting the code reference “§55-10-403(h)” and substituting instead the code reference “§55-10-413(d)”.

SECTION 28. Tennessee Code Annotated, Section 7-3-316(a)(2), is amended by deleting the code reference “§55-10-403(h)” and substituting instead the code reference “§55-10-413(d)”.

SECTION 29. Tennessee Code Annotated, Section 8-8-201(b)(1), is amended by deleting the code reference “55-10-403, 55-10-417” and substituting instead, respectively, “55-10-402, 55-10-410, 55-10-420”.

SECTION 30. Tennessee Code Annotated, Section 9-4-206(a), is amended by deleting the code reference “§55-10-403” and substituting instead the code reference “§55-10-413(b)”.

SECTION 31. Tennessee Code Annotated, Section 37-1-403(c)(2), is amended by deleting the code reference “§55-10-403(a)(1)(B)” and substituting instead the code reference “§55-10-402(b)”.

SECTION 32. Tennessee Code Annotated, Section 38-6-103(d)(1)(A)(ii), is amended by deleting the code reference “§55-10-403(h)” and substituting instead the code reference “§55-10-413(d)”.

SECTION 33. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the code reference “§55-10-403(k)” and substituting instead the code reference “§55-10-414”.

SECTION 34. Tennessee Code Annotated, Section 40-33-210(a), is amended by deleting the code reference “55-10-403(k)” and substituting instead the code reference “55-10-414”.

SECTION 35. Tennessee Code Annotated, Section 40-33-211, is amended by deleting the code reference “§55-10-403(k)” and substituting instead the code reference “§55-10-414”.

SECTION 36. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the code reference “§55-10-403(k)” and substituting instead the code reference “§55-10-414”.

SECTION 37. Tennessee Code Annotated, Section 40-35-216, is amended by deleting the code reference “§55-10-403” and substituting instead the code reference “§55-10-402”.

SECTION 38. Tennessee Code Annotated, Section 40-35-303(d)(11)(B), is amended by deleting the code reference “§55-10-403(a)(4)(B)” and substituting instead the code reference “§55-10-402(h)(2)”.

SECTION 39. Tennessee Code Annotated, Section 41-2-128(c)(1), is amended by deleting the code reference “§55-10-403(a)(1)” and substituting instead the code reference “§55-10-402”.

SECTION 40. Tennessee Code Annotated, Section 41-2-128(c)(6), is amended by deleting the code reference “§55-10-403(a)(1)” and substituting instead the code reference “§55-10-402”.

SECTION 41. Tennessee Code Annotated, Section 41-21-236(h), is amended by deleting the code reference “55-10-403” and substituting instead the code reference “55-10-402”.

SECTION 42. Tennessee Code Annotated, Section 55-10-503(a)(2), is amended by deleting the code reference “§55-10-403(d)” and substituting instead the code reference “§55-10-409”.

SECTION 43. Tennessee Code Annotated, Section 55-12-114(b), is amended by deleting the code references “§§55-10-403, 55-10-406” and substituting instead the code reference “§§55-10-409”.

SECTION 44. Tennessee Code Annotated, Section 55-50-405(a)(6)(A), is amended by deleting the code reference “§55-10-403” and substituting instead the code references “§55-10-402 and §55-10-403”.

SECTION 45. Tennessee Code Annotated, Section 54-5-145(a)(1), is amended by deleting the code references “§§55-10-401 - - 55-10-404” and substituting instead the code reference “Title 55, Chapter 10, Part 4”.

SECTION 46. Tennessee Code Annotated, Section 42-1-203(b), is amended by deleting the code reference "§55-10-406(a)(1)" and substituting instead the code reference "§55-10-406".

SECTION 47. Tennessee Code Annotated, Section 42-1-203(b), is amended by deleting the code reference "§55-10-406(a)(2)" and substituting instead the code reference "§55-10-406".

SECTION 48. Tennessee Code Annotated, Section 55-50-502(f)(2), is amended by deleting the code reference "§55-10-406" and substituting instead the code references "§§55-10-406 and 55-10-407".

SECTION 49. Tennessee Code Annotated, Section 39-13-106(a), is amended by deleting the code reference "§55-10-408" and substituting instead the code reference "§55-10-411(a)".

SECTION 50. Tennessee Code Annotated, Section 39-13-213(a)(2), is amended by deleting the code reference "§55-10-408" and substituting instead the code reference "§55-10-411(a)".

SECTION 51. Tennessee Code Annotated, Section 55-10-603(2)(A)(x), is amended by deleting the code reference "§55-10-418" and substituting instead the code reference "§55-10-421".

SECTION 52. Tennessee Code Annotated, Section 55-50-502(j)(2)(D), is amended by deleting the code reference "§55-10-418" and substituting instead the code reference "§55-10-421".

SECTION 53. Tennessee Code Annotated, Section 39-13-103(b)(4), is amended by deleting the code reference "§55-10-451" and substituting instead the code reference "§55-10-412(b)".

SECTION 54. Tennessee Code Annotated, Section 39-13-103(b)(4), is amended by

deleting the code reference “§55-10-452” and substituting instead the code reference “§55-10-412(c)”.

SECTION 55. Tennessee Code Annotated, Section 55-10-205(d)(2), is amended by deleting the code reference “§55-10-451” and substituting instead the code reference “§55-10-412(b)”.

SECTION 56. Tennessee Code Annotated, Section 55-10-205(d)(2), is amended by deleting the code reference “§55-10-452” and substituting instead the code reference “§55-10-412(c)”.

SECTION 57. This act shall take effect July 1, 2013, the public welfare requiring it.